THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12188 of 1999

Dated: 17.07.2006

Between
M.Suramma

…..Petitioner

and

1.The Executive Engineer, Irrigation and Drainage, Bheemavaram, West Godavari District and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12188 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in trying to cut the 26 coconut trees belonging to the petitioner situated in Survey No.14/2 admeasuring an extent of Ac.1.00 cents of Dharmapuram village, Akiveedu Mandal, West Govdavari District and also in trying to encroach the land of the petitioner situated in the said survey number by placing loose earth in the said land of the petitioner as arbitrary and illegal.

According to the petitioner, the respondents are carrying out the repair works of irrigation channel which is abutting his land. On 14.6.1999, the 2nd and 3rd respondents came to his land along with 10 labourers and attempted to cut his trees high handedly without issuing any show cause notice and without any authority of law. The petitioner objected for the same. In all, 26 coconut trees are situated in his land. The respondents are treating as if the trees are situated on the bund of the irrigation channel. The trees are standing for the last 25 years. The coconut trees do not cause any hindrance to the irrigation channel which is getting repaired now.

A detailed counter affidavit has been filed on behalf of the respondents 1 and 2 denying the allegations made in the petition. It is asserted that these respondents never tried to cut the trees

high handedly. These respondents neither threatened the petitioner nor tried to cut the trees at the instance of rich landlords enemically disposed towards the petitioner. However, if there is any necessity in future to take up the repairs for the purpose of widening of the channel, a detailed survey will be conducted for demarcation of Government land only duly cutting any trees situated within the Government land. If the necessity arises to cut any trees on private land, the land so required will be acquired as per the provision of the Land Acquisition Act.

Since there was no attempt to cut the said coconut trees alleged to be situated on the lands of the petitioner, no cause arises for filing this writ petition. Further, the repairs to the channel was completed and hence no cutting of trees will be taken up. If there is any necessity that arises, a detailed survey will be conducted and trees will be cut even on the private lands after invoking the provisions of Land Acquisition Act.

In view of the above, nothing survives for adjudication in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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17.07.2006

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